

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thomas Juliano	Team: Squad #5	CCRB Case #: 201801299	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 02/16/2018 5:00 AM	Location of Incident: § 87(2)(b)	Precinct: 120	18 Mo. SOL 8/16/2019	EO SOL 8/16/2019	
Date/Time CV Reported Fri, 02/16/2018 9:59 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 02/16/2018 9:59 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SDS David Gomes	05024	917690	WARRSEC
2. DT3 Genaro Barreiro	308	950050	WARRSEC
3. POM Edgardo Diaz	09558	948883	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.SDS David Gomes	Abuse: Sergeant David Gomes refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
B.DT3 Genaro Barreiro	Abuse: Detective Genaro Barreiro refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
C.POM Edgardo Diaz	Abuse: Police Officer Edgardo Diaz refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On February 16, 2018, § 87(2)(b) filed this complaint with the CCRB over the phone.

On February 16, 2018, at approximately 5 a.m., Sgt. David Gomes, Det. Genaro Barreiro, and PO Edgardo Diaz of the Staten Island Warrant Squad visited § 87(2)(b)'s home, located at § 87(2)(b) § 87(2)(b) to look for § 87(2)(b)'s son, § 87(2)(b) § 87(2)(b) § 87(2)(b). § 87(2)(b) told the officers that § 87(2)(b) § 87(2)(b) was not home and allowed the officers to enter his apartment to look. While the officers were in the apartment, § 87(2)(b) asked the officers for their names and shield numbers. The officers ignored the question and did not provide the information (**Allegation A – Abuse of Authority, § 87(2)(g)** **Allegation B – Abuse of Authority, § 87(2)(g)** **Allegation C – Abuse of Authority, § 87(2)(g)** PO Diaz § 87(4-b), § 87(2)(g)

There are no video recordings of this incident.

Findings and Recommendations

Allegation A - Abuse of Authority: Sergeant David Gomes refused to provide his name and shield number to § 87(2)(b)

Allegation B - Abuse of Authority: Detective Genaro Barreiro refused to provide his name and shield number to § 87(2)(b)

Allegation C - Abuse of Authority: Police Officer Edgardo Diaz refused to provide his name and shield number to § 87(2)(b)

It is undisputed that § 87(2)(b) § 87(2)(b) § 87(2)(b) lived at the residence at the time of the incident. It is undisputed that § 87(2)(b) allowed the officers into his home to show the officers that § 87(2)(b) § 87(2)(b) was not home. No one besides the officers and § 87(2)(b) were at the location. There are no known witnesses or video footage of this incident.

§ 87(2)(b) testified that after the officers searched the apartment for § 87(2)(b) § 87(2)(b) § 87(2)(b) that he told the officers that they needed to leave and asked Sgt. Gomes, Det. Barreiro, and PO Diaz for their names and shield numbers. § 87(2)(b) alleged that none of the officers answered or acknowledged his request. § 87(2)(b) then allegedly asked the officers for a contact card to which they replied that they did not have contact cards on them.

PO Diaz initially did not recall this incident. He stated that he has been to the location and interacted with § 87(2)(b) on multiple occasions. PO Diaz described an incident, in which he went to § 87(2)(b)'s home to look for § 87(2)(b) § 87(2)(b) § 87(2)(b) looked around the apartment, was told that he was at his mother's house, and the officers left; however, PO Diaz was unsure of the date of this incident as it was not listed in his memo book. PO Diaz acknowledged that the incident that he described and the incident in this case may be one in the same.

Neither Sgt. Gomes, nor Det. Barreiro, nor PO Diaz recalled § 87(2)(b) requesting theirs, or any other officer's names or shield numbers or their contact cards. Det. Barreiro stated that he voluntarily provided a contact card which contained his name, command and phone number, and told § 87(2)(b) to call him so that his son could surrender. Det. Barreiro did not recall if Sgt. Gomes or PO Diaz provided their contact cards to § 87(2)(b). Neither Sgt. Gomes nor PO Diaz recalled providing their contact cards to § 87(2)(b) nor did they recall if Det. Barreiro provided his contact card to § 87(2)(b).

§ 87(2)(b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which § 87(2)(b) has been a party. **(Board Review 03)**
- Sgt. Gomes has been a member-of-service for 22 years and has been a subject in four CCRB complaints and five allegations, two of which were substantiated. § 87(2)(g)
 - 201403223 involved a substantiated allegation of Abuse – Premises entered and/or searched against Sgt. Gomes. The Board recommended Command Discipline – A, and the NYPD imposed Command Discipline – A.
 - 201701245 involved a substantiated allegation of Abuse – Premises entered and/or searched against Sgt. Gomes. The Board recommended Command Discipline – B, and the NYPD imposed Formalized Training.
- Det. Barreiro has been a member-of-service for seven years and has been a subject in 14 CCRB complaints and 27 allegations, none of which was substantiated.

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- In case 201508097, the CV alleged that she asked Det. Barreiro for his name and that he refused to provide it. The allegation was closed as unsubstantiated.
- PO Diaz has been a member-of-service for eight years and has been a subject in five CCRB complaints and 11 allegations, none of which was substantiated.
 - In case 201406079, the CV alleged that she asked PO Diaz for his name and shield number, and that he threatened to call ACS in response. The allegation was closed as unsubstantiated.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- As of August 17, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to this incident **(Board Review 04)**.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City. **(Board Review 05)**.

Squad No.: 05

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date